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STANDING  
**RULES AND ORDERS**

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SENATE OF CANADA

UNIVERSITY OF TORONTO  
RELATING TO

**DIVORCE**

*Adopted during the Session of 1906  
Amended during the Session of 1922  
Amended during the Session of 1945  
Amended during the Session of 1956  
Revised during the Session of 1957*

EDMOND CLOUTIER, C.M.G., Q.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1957.





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## DIVORCE

**133.** All petitions for divorce and all Petitions, matters arising out of petitions for, or bills of divorce, shall be referred to the Standing Committee on Divorce, and no reference to any Committee other than that Committee shall be necessary with respect to such petitions, bills and matters.

Notice of the day, hour and place of every sitting of the Committee shall be given by posting up the same in the lobby of the Senate not later than the afternoon of the day before the time appointed for such sittings.

**134.** The Official Reporters of The Senate, or one of them, when notified by the Clerk of the Committee, shall be in attendance at each sitting of the Committee, and, having first been duly sworn to discharge faithfully such duty, shall take down in shorthand and afterwards extend the evidence of witnesses examined before the Committee, which evidence shall be printed under the supervision of the Clerk of the Committee.

Evidence,  
how printed.

**135.** Evidence taken before the Committee shall be printed apart from the Minutes of Proceedings of the Senate, and only in sufficient numbers for the use of Senators and Members of the House of Commons, that is to say, one copy for distribution to each Senator or Member, ten copies for the parties and their counsel, and ten copies to be kept by the Clerk of the Senate for purposes of record and reference.

Notice of  
application,  
how given.

**136.** Every applicant for a Bill of Divorce shall give notice of his or her intended application, and shall specify therein from whom and for what cause such divorce is sought, and shall cause such notice to be published once a week for a period of four weeks before the consideration by the Committee on Divorce of his or her petition for the said Bill, in the *Canada Gazette* and in two newspapers published in the district in Quebec, Manitoba, Saskatchewan, Alberta, British Columbia or the Northwest Territories, or in the county or union of counties in other provinces wherein such applicant usually resided at the time of the separation of the parties; but if the requisite number of papers

cannot be found therein, then in an adjoining district or county or union of counties.

Notices given in the Provinces of Quebec and Manitoba are to be published in one English and one French newspaper, if there be such newspapers published in the district, but otherwise shall be published in one newspaper in both languages. The notice may be in the subjoined form "A". If a notice given for any session of Parliament is not completed in time to allow the petition to be dealt with during that session, the petition may be presented and dealt with during the next ensuing session, without any further publication of such notice.

Provisions  
as to notice.

**137.** A copy of the said notice and a copy of the petition to be presented shall, at the instance of the applicant, and not less than two months before the consideration by the Committee of the petition, be served personally, when that can be done, on the person from whom the divorce is sought, who is hereinafter called "the respondent", and on every person with whom a matrimonial offence is alleged to have been committed, hereinafter called a "co-respondent".

Service of  
Notice and  
Petition on  
respondent  
and co-  
respondent.

If the residence of the respondent or the name or residence of a co-respondent is not known, or personal service cannot be effected, then, if it is shown to the satisfaction of the Committee that all reasonable efforts have been made to effect personal service, and, if unsuccessful, to bring such notice and petition to the knowledge of the respondent or co-respondent, what has been done may be deemed and taken by the Committee as sufficient service.

Petition  
when  
received.

**138.** No petition for a Bill of Divorce shall be received by the Senate unless filed with the Clerk of the Senate within the first six weeks of the session.

Form and  
contents of  
Petition.

**139.** The petition of an applicant for a Bill of Divorce shall be fairly written and signed by the petitioner and shall include the following particulars in the order indicated:—

- (a) the place and date of marriage and by whom the ceremony was performed;
- (b) the domicile of the petitioner and the respondent at the time of the marriage and also at the time of the filing of the petition;

- (c) the names in full, ages, occupations and addresses of the petitioner and the respondent at the date of the filing of the petition;
- (d) whether there has been issue of the marriage, and if so, the names and date of birth of all living children;
- (e) the matrimonial offences alleged, these to be set out fully and precisely in separate paragraphs including, wherever possible, the name and address of every person with whom a matrimonial offence is alleged to have been committed, and omitting vague allegations such as "at divers times and places";
- (f) if such be the case, that any person with whom a matrimonial offence is alleged to have been committed has died before the filing of the petition;
- (g) where the name or address of any person with whom a matrimonial offence is alleged to have been committed is stated to be unknown, a statement that every reasonable effort has been made without success to ascertain the name and address of

such person, together with particulars of the efforts which have in fact been made;

(h) the nature of the relief prayed for.

2. The allegations of the petition shall be verified by declaration of the petitioner under the *Canada Evidence Act*, or in a form valid in the jurisdiction in which it is made, and shall include a statement that the petitioner has not in any way been an accessory to or connived at or condoned any of the matrimonial offences alleged and that no collusion exists.

3. The copy of the petition served upon the respondent and any co-respondent shall have endorsed thereon, or appended thereto, the following information:

- (a) the petitioner's residence at the time of service;
- (b) a Post Office address in Canada at which letters and notices for the petitioner may be delivered;
- (c) the name and address of the solicitor, if any, acting for the petitioner;
- (d) if such solicitor's address is not at Ottawa, the name and address of some

agent for him residing at or within five miles of Ottawa, upon whom all notices and papers may be served;

- (e) that if the respondent or co-respondent desires to oppose the granting of the divorce and to be heard by the Senate Committee on Divorce, the respondent (or co-respondent) must send a notice to that effect to the Clerk of the Senate at the Parliament Buildings, Ottawa, and to the solicitor for the petitioner, within thirty days from the date of service upon the respondent (or co-respondent) and shall in the notices give,
  - (i) the residence of the respondent (or co-respondent) at the time of sending such notice,
  - (ii) a Post Office address in Canada at which letters and notices for the respondent (or co-respondent) may be delivered,
  - (iii) the name and address of the solicitor, if any, acting for the respondent (or co-respondent),
  - (iv) if such solicitor's address is not at Ottawa, the name and address of

some agent for him residing at or within five miles of Ottawa, upon whom all notices and papers may be served,

- (v) a concise statement of the material facts upon which the respondent (or co-respondent) relies in answer to the petition;
- (f) that, if the respondent (or co-respondent) does not so notify the Clerk of the Senate, the petition may be considered, and a Bill of Divorce founded thereon may be passed, without any further notice to the respondent (or co-respondent);
- (g) when the petition is one by a husband for a divorce from his wife, that, if the wife shows to the satisfaction of the Senate Committee on Divorce that she has, and is prepared to establish upon oath, a good defence to the charges made in the petition, and that she has not sufficient money to defend herself, the Committee may make an order that her husband shall provide her with the necessary means to sustain her defence, including the cost of

retaining Counsel and the travelling and living expenses of herself and witnesses summoned to Ottawa on her behalf.

4. Notwithstanding anything contained in these Rules, the Committee may upon application by or on behalf of the petitioner, if it considers it desirable to do so, order that the naming of, or the service of documents upon, a co-respondent be dispensed with.

**140.** No petition for a Bill of Divorce shall be considered by the Committee unless the applicant has paid into the hands of the Clerk of the Senate the sum of two hundred and ten dollars towards expenses which may be incurred during the proceedings upon the petition and the bill, and the disposition of this sum shall be as ordered by the Senate.

**141.** The petition when presented to the Senate shall be accompanied by the evidence of the publication of the notice as required by Rule 136, and by declaration in evidence of the service of a copy of the notice and of a copy of the petition as provided by Rule 137. The petition, notice, and evidence of publica-

Petition,  
etc., refer-  
red to  
Committee.

tion and service, and all papers connected therewith shall thereupon stand as referred, without special order to that effect, to the Standing Committee on Divorce.

Copies of  
petition,  
etc., fur-  
nished to  
Committee.

A copy of every petition for a Bill of Divorce or relating to any matter arising out of an application for divorce, and of every document and paper accompanying such petition or produced in evidence before the Committee, shall be furnished to the Committee by the person on whose behalf the petition, document or paper is presented or produced.

Chief Clerk  
of Com-  
mittees  
to examine  
papers.

**142.** The Chief Clerk of Committees shall examine the petition and all other documents relating thereto which have been deposited with him, and in each case shall report to the Committee the extent to which the requirements of these Rules, or of any order made or direction given thereunder, have been complied with.

2. When any document filed under this Rule is in the opinion of the Chief Clerk of Committees insufficient or otherwise defective, he may require the insufficiency or defect to be remedied, subject always to the

right of the petitioner to have the matter referred to the Committee for decision.

3. In every case where the Chief Clerk of Committees reports an insufficiency or defect under this Rule the Committee may make such order or give such directions as it deems just and proper to remedy such insufficiency or defect.

4. If the circumstances of the case seem so to require, the Committee, before proceeding to hearing and inquiry as hereinafter required, may make such order as to the Committee seems requisite and just for effecting substitutional service by registered letter or otherwise.

5. When the requirements of these Rules, and of any order or direction made or given thereunder by the Committee are found to have been complied with in all material respects, the Chief Clerk of Committees, having regard to any rule or order which the Committee may make as to appointments for hearing and inquiry, and to any special order made or direction given by the Committee or the Chairman, shall appoint a day for the hearing of the petition and inquiry

into the matters set forth therein, and the Committee shall, after reasonable notice to the parties, proceed with all reasonable despatch to hear and inquire into the matters set forth in the petition.

Report by Committee.

**143.** After such hearing and inquiry, the Committee shall report to the Senate, stating whether the requirements of these rules have been complied with in all material respects; and, if it shall have been then found that any such requirement has not been so complied with, stating in what respect there has been default, and also stating the conclusions arrived at and the action recommended by the Committee.

Evidence reported.

2. The report shall be accompanied by the testimony of the witnesses examined, and by all documents, papers and instruments referred to the Committee by the Senate or received in evidence by the Committee.

Draft Bill reported.

3. If the report recommends the granting of relief to the petitioner it shall also be accompanied by a draft, approved by the Committee, of a Bill to effect such relief.

Minority report.

4. The minority may bring in a report stating the grounds upon which they dissent from the report of the Committee.

**143A.** The Standing Committee on Offence against Criminal Code. Divorce, whenever in its opinion there has been disclosed in any evidence given before it or any of its subcommittees an offence against the *Criminal Code* of Canada or the violation of any other law in force in Canada, may direct that such evidence, or a part thereof, be drawn to the attention of such law-enforcement or other agency in Canada as the Senate Committee may deem appropriate, for such action as such agency may deem requisite.

**144.** Upon the adoption of the report of Introduction of Bill. the Committee, the Bill may be presented and read a first time; and thereafter no further reference of the Bill to the Committee shall be necessary, unless so ordered by the Senate.

**145.** If adultery be proved, the respondent Connivance, condonation, collusion, etc. (or a co-respondent) may nevertheless be admitted to prove connivance at, or condonation of the adultery, collusion in the proceedings for divorce, or adultery on the part of the petitioner.

When Minister of Justice may intervene.

Connivance at, or condonation of the adultery, or collusion in the proceedings for divorce, is always a sufficient ground for rejecting a Bill of Divorce, and shall be inquired into by the Committee. And should the Committee have reason to suspect connivance or collusion, and in their opinion it is desirable that fuller inquiry should be made, such opinion and the reasons therefor shall be communicated to the Minister of Justice, that he may intervene and oppose the Bill should the interest of public justice in his opinion call for such intervention.

Parties may be heard.

**146.** The petitioner, the respondent or a co-respondent and, if the Committee sees fit, any other person affected by the proceedings nad, may be heard before the Committee in person or by counsel learned in the law of the bar of any province in Canada.

Evidence taken under oath.

**147.** The petitioner, the respondent and a co-respondent, appearing before the Committee, and all witnesses produced before the Committee shall be examined upon oath, or upon affirmation in cases where witnesses are allowed by the law of Canada to affirm; and the law of evidence shall, subject to the

provisions in these rules, apply to proceedings before the Committee, and shall be observed in all questions of fact.

2. Declarations allowed under or required in proof may be made under the *Canada Evidence Act* or in a form valid in the jurisdiction in which they are made.

**148.** Summons for the attendance of <sup>Witnesses,</sup> witnesses and for the production of papers <sup>how sum-  
moned.</sup> and documents before the Senate or the Standing Committee on Divorce shall be under the hand and seal of the Speaker of the Senate, and may be issued by the Clerk of the Committee, at any time after the date of the hearing has been appointed to the party applying therefor.

Such summonses may be served by any <sup>Summons,</sup> <sup>how served.</sup> literate person, or, if so ordered by the Senate or by the Committee on Divorce, shall be served by the Gentleman Usher of the Black Rod or by any one authorized by him to make such service.

The reasonable expenses of making such <sup>Fees, how  
taxed.</sup> service and the reasonable expenses of every witness for attending in obedience to such summons shall be taxed by the Chairman of the Committee.

Conduct  
money.

Every witness summoned shall, at the time of service of the summons upon him, be tendered a sum of money sufficient to defray his reasonable expenses for travelling to and from Ottawa and his reasonable living expenses while in attendance upon the Committee; and no witness shall be obliged to attend in obedience to a summons unless such a tender has been made to him.

Witness dis-  
obeying sum-  
mons.

**149.** In case any witness upon whom such summons has been served refuses to obey the same, such witness may by order of the Senate be taken into custody of the Gentleman Usher of the Black Rod, and shall not be liberated from such custody except by order of the Senate and after payment of the expenses incurred.

**150.** The subjoined forms, varied to suit the circumstances of the case, or forms to the like effect, may be used in proceedings for divorce.

Rules of  
Senate to  
apply.

**151.** All rules of the Senate which by reasonable intendment, are applicable to proceedings in divorce, shall, except in so far as altered or modified by these rules, or inconsistent therewith, apply to such proceedings.

**152.** In cases not provided for by these Unprovided rules the general principles upon which the Imperial Parliament proceeds in dissolving marriage and the rules, usages and forms of the House of Lords in respect of divorce proceedings may, so far as they are applicable, be applied to divorce proceedings before the Senate and before the Standing Committee on Divorce.

---

A

## DIVORCE FORMS

NOTICE OF APPLICATION FOR DIVORCE

Notice is hereby given that (name of applicant in full) of the

of , in the county (or district)  
of , in the province of

(or in the Northwest Territories or as the case may be), (here state the addition or occupation, if any, of applicant, and the residence of the applicant if it is not in the same place as the domicile of the applicant), will apply to the Parliament of Canada, at the present or next following session thereof, for a Bill of Divorce from his wife (or her husband), (here state names in full, residence and addition or occupation, if any, of the person from whom the divorce is sought), on the ground of (adultery, adultery and desertion, or as the case may be).

(When any particular relief is to be applied for, the nature thereof should be briefly indicated in the notice)

## B

DECLARATION AS TO SERVICE OF NOTICE, PETITION AND INFORMATION TO RESPONDENT AND CO-RESPONDENT, WHEN MADE PERSONALLY.

Province of \_\_\_\_\_, I, A.B., of the  
 County (or district) of \_\_\_\_\_, in the  
 of \_\_\_\_\_, County (or district) of \_\_\_\_\_, in the  
 To wit: \_\_\_\_\_ Province of \_\_\_\_\_,  
 (occupation)

DO SOLEMNLY DECLARE:—

1. That on the \_\_\_\_\_ day of  
 A.D. 19\_\_\_\_, I served C. D. (*name of person served*) personally with a true copy of the notice hereto attached and marked "A", by giving the said copy to, and leaving it with the said C. D. at (*state place of service, with particularity as to street, number of house, or other detail*).

2. That at the said time and place and in the said manner I also served the said C. D. with a true copy of the petition hereto

attached and marked "B", appended to which copy there was then a true copy of the information to the respondent which is hereto also attached and marked "C".

3. That I know the said C. D., and that I believe him (*or her*) to be the person described in the said notice and petition as the husband (*or wife*) of E. F., therein named.  
(*or co-respondent named in the petition*)

4. That the said C. D. admitted to me that he (*or she*) was the husband (*wife or co-respondent*) named in the petition.

5. That the photograph hereto attached and marked Exhibit D is a true photograph of the person upon whom the said documents were served. (*If photograph available*)

*(Add any statements made by the person served to the person effecting the service, showing identity)*

And I make this solemn declaration conscientiously believing the same to be true, knowing that it is of the same force and

effect as if made under oath, and by virtue  
of the *Canada Evidence Act*.

Declared before me ,  
at the of  
in the County of , } *Signature of*  
in the Province of , } *declarant.*  
this day of : ,  
A.D. 19 .

*Name of public functionary before whom  
affidavit is taken should be legible.*

*NOTE—Exhibits attached to the declara-  
tion should be verified under the hand of the  
public functionary before whom the declara-  
tion is made.*

---

## C

## GENERAL FORM OF PETITION

To the Honourable the Senate of Canada in  
Parliament Assembled:

The petition of A. B. (*state names in full*)  
the lawful husband (or wife) of C. D. (*state  
names in full*)

Humbly Sheweth:

1. That on or about the      day of  
A.D. 19   , your petitioner was lawfully mar-  
ried to the said C. D. at      .

(*If the wife is the petitioner, state with  
particularity her maiden name and resi-  
dence; if she had been married before the  
marriage which she seeks to dissolve, state  
with particularity the circumstances and  
her name*)

2. That the said marriage was by licence  
duly obtained (*or as the case may be*) and  
was celebrated by (*state name of clergyman  
or as the case may be*).

3. That at the time of the said marriage your petitioner and the said C. D. were domiciled in Canada, and have ever since continued to be and are now domiciled in Canada, in the Province of .

*(All facts relevant to the domicile of the parties at the time of the marriage and as to any change therein since their marriage should be here stated with particularity)*

4. That your petitioner, A. B. (state names in full) is now residing at (state present actual residence in full), and is employed as (state nature of employment or occupation). That the said C. D. (state names in full) is now residing at (state present actual residence in full), and is employed as (state nature of employment or occupation)

5. That after the said marriage your petitioner lived and cohabited with the said C. D. and there are now living issue of the said marriage (state number) children, viz:

*(state names and date of birth of all living children; if no children, so state).*

6. That on the        day of        A.D.  
 19  , at (state all available particulars as to  
 place), the said C. D. committed adultery  
 with one G. H. (state full particulars of co-  
 respondent's name and address).

(Separate paragraphs should be used for  
 each matrimonial offence alleged, includ-  
 ing, wherever possible, the names and ad-  
 dresses of the persons with whom the  
 offence is alleged to have been committed,  
 and omitting vague allegations such as "at  
 divers times and places")

(Where a person with whom a matri-  
 monial offence is alleged to have been com-  
 mitted has died prior to the filing of the  
 petition, a paragraph to that effect should  
 be included)

7. (If applicable) That the person (or  
 persons) with whom the said adultery was  
 committed is (or are) unknown to me and I  
 have made every reasonable effort, without  
 success, to ascertain the name and address  
 of such person (or persons). (State particu-  
 lars of the efforts in fact made in each case)

Your petitioner therefore humbly prays:

That your Honourable House will be pleased to pass an Act dissolving the said marriage between your petitioner and the said C. D. and enabling your petitioner to marry again, and granting your petitioner such further and other relief in the premises as to your Honourable House may seem meet.

And as in duty bound your petitioner will ever pray.

Dated at      , this      day of      , 19   .

*(Signature of Petitioner)*

---

## D

## DECLARATION VERIFYING PETITION

Province of \_\_\_\_\_  
 County (or district) \_\_\_\_\_ of \_\_\_\_\_  
 To Wit: \_\_\_\_\_ } I, A. B., of the  
 \_\_\_\_\_ of \_\_\_\_\_, in the  
 county of \_\_\_\_\_, in  
 the province of \_\_\_\_\_,  
 (occupation, if any.)  
 (In the case of the  
 wife being the appli-  
 cant, say "wife of C. D.", and give names,  
 residence and occupation or addition of the  
 husband), the petitioner in the foregoing peti-  
 tion named, do solemnly declare:—

1. That, to the best of my knowledge and belief, the allegations contained in the paragraphs of the foregoing petition, numbered respectively \_\_\_\_\_, are, and each of them is true.
2. That the petitioner has not in any way been an accessory to or connived at or condoned any of the matrimonial offences alleged and that no collusion exists.

3. (If any matter is alleged, of which the petitioner has not personal knowledge, add, "That, with respect to the matters alleged in the paragraphs of the foregoing petition, numbered respectively . . . . ., I am credibly informed and believe them, and each of them, to be true.")

And I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me at  
the      of      , in      }  
the County of      , in      }      Signature of  
the Province of      ,      }      declarant.  
this      day of      ,  
A.D. 19      .

(Legible signature or other identification of person taking declaration)

---

## E

INFORMATION TO BE APPENDED TO THE COPY OF  
THE PETITION SERVED UPON THE RESPOND-  
ENT AND CO-RESPONDENT.

To (*Respondent's and Co-respondent's name*)

In accordance with Rule 139 of the "Standing Orders and Rules of the Senate" you are hereby informed that:

1. (*Petitioner's name*), the Petitioner, is now residing at No.      Street, in the City of      , in the Province of or in the State of      , U.S.A. (*or as the case may be*)

2. Letters and notices for (*Petitioner's name*) may be delivered by sending them to the following address:

(*Post Office Address in Canada to be given*)

3. The name and address of the solicitor acting for (*Petitioner's name*) are as follows:—

(*Give full particulars*)

4. All notices and papers to be served upon (Petitioner's name) in this matter may be so served by serving them upon (*give full particulars of the name and address of some agent residing at or within five miles of Ottawa, upon whom all notices and papers may be served*).

5. If you desire to oppose the granting of the Divorce prayed for by the petition of which the document annexed hereto is a true copy, you must within thirty days from the date when this copy is served upon you send a notice to that effect to the Clerk of the Senate of Canada, Parliament Buildings, Ottawa, Canada, and to the solicitor for the petitioner, and in that notice you must give the following particulars:—

(a) Your actual residence at the time of sending the notice.

(b) A post office address in Canada at which letters and notices for you may be delivered.

(c) The name and address of your solicitor, if any is acting for you.

(d) If you have a solicitor, but his address is not at Ottawa, Canada, you must give the name and address of an agent residing at or within five miles of Ottawa, Canada, upon whom all notices and papers may be served.

(e) A concise statement of the material facts upon which the respondent (*or co-respondent*) relies in answer to the petition.

6. If you do not send such notice to the Clerk of the Senate of Canada and with the above particulars, the petition now served upon you may be considered by the Senate of Canada and a Bill of Divorce founded thereon may be passed without any further notice to you.

7. When the petition is one by a husband for a divorce from his wife, that, if the wife shows to the satisfaction of the Senate Committee on Divorce that she has, and is prepared to establish upon oath, a good defence to the charges made in the petition, and that she has not sufficient money to defend herself, the Committee may make an order that her husband shall provide her with the neces-

sary means to sustain her defence, including the cost of retaining Counsel and the travelling and living expenses of herself and witnesses summoned to Ottawa on her behalf.

*Signature of Petitioner or Solicitor.*

NOTE.—*A request for funds for the conduct of a wife's defence should be accompanied by a declaration setting out her occupation (if any), all income and its source, value of real or personal property (if any) etc..*

APPLICATION FOR LEAVE TO PROCEED WITHOUT  
NAMING OR SERVING CO-RESPONDENT

## FORM F

*Where Co-respondent's Name or Address  
Unknown*

In the matter of the petition of .....  
for a Bill of Divorce from .....

TO THE SENATE COMMITTEE ON DIVORCE

Application is hereby made by the above-named petitioner for an order of the Committee permitting the petitioner to proceed without naming or serving a copy of the Notice, Petition and Information to respondent on the person(s) referred to in paragraph(s) ..... of the petition with whom it is alleged that adultery was committed by the respondent, by reason of the fact that the name (and/or address) of such person(s) is not known to your petitioner; or for such other order as the Committee may deem just.

The efforts made without success to ascertain the name (and/or address) of the correspondent are set forth in the attached Solemn Declaration of your petitioner.

.....

*Signature of petitioner*

## FORM G

*Where Co-respondent's Name or Address  
Known*

In the matter of the petition of .....  
for a Bill of Divorce from .....

TO THE SENATE COMMITTEE ON DIVORCE

Application is hereby made by the above-named petitioner for an order of the Committee permitting the petitioner to proceed without naming or serving a copy of the Notice, Petition and Information to respondent on the person(s) referred to in paragraph ..... of the petition with whom it is alleged that adultery was committed by the respondent; or for such other order as the Committee may deem just.

The name of such person is known to your petitioner, but by reason of the facts sworn to in the attached Solemn Declaration of your petitioner, leave is hereby sought to proceed without naming or serving such person.

.....  
*Signature of Petitioner*

## DECLARATION IN SUPPORT OF APPLICATION

## FORM H

Province of , I, A.B., of the  
 County (or district) of , in the  
 of . } county of , in the  
 TO WIT: } province of ,  
 } (occupation, if any.)  
 } (In the case of the  
*wife being the applicant, say "wife of C.D.",*  
*and give names, residence and occupation or*  
*addition of the husband), the petitioner in*  
*the foregoing petition named, do Solemnly*  
*Declare:—*

1. The name of the person referred to in paragraph..... of the petition, with whom it is alleged that the respondent committed adultery is known (or not known as the case may be) to me.
2. I have applied for leave to dispense with the naming and service of a copy of the Notice, Petition and Information to respondent upon the said person because of the following facts:

(Here set out in separate paragraphs the facts on which the petitioner relies in seeking such leave)

And I make this Solemn Declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me  
at the  
of  
in the county of  
in the Province of  
this  
day of  
A.D. 19



